

REMARKS/ARGUMENTS

Applicant wishes to express his gratitude for the allowance of claims 30, 70, 80, 81, 84-88, 99-105, 108, 109, 131 and 133. However, as claims 104 and 105 are indirectly or directly dependent upon rejected claim 83 and 111, Applicant assumes that claims 104 and 105 were mistakenly allowed. Applicant notes also that in the Office Action there is no rejection of pending claim 130. Therefore, it is assumed that the Examiner also considers claim 130 allowable.

Applicant also appreciates the Examiner's indication that claims 23-25 and 89-98 would be allowable if the objections under 35 USC 112 were overcome by claim amendments. Accordingly, claims 89 and 24 (as well as claim 124 which is dependent upon claim 111) have been amended to overcome the objections based on 35 USC 112.

Nevertheless, as referenced in the remarks below, Applicant respectfully submits that independent claim 111 as it is amended now and all claims dependent thereon, are patentable over the prior art cited by the Examiner.

The Examiner rejected former independent claim 111 (and several other claims) as being obvious having regard to Cretti U.S. Patent No. 5,809,725 in view of Long, Sr. et al. U.S. Patent No. 6,276,104 ("Long"). In so rejecting claim 111, the Examiner states in part at pages 3-4 of the Office Action that Cretti discloses:

"a spacer 1 generally being transversely positioned between said first and second panel members, said spacer assisting in holding said first and second panel members in compression and in generally transversely spaced relation to each other, said spacer comprising a transverse tie 4 member and first and second connectors 2, 3; said transverse member having a first end and an opposite second end, said first end being adapted for securing said transverse tie member to a first connector mounted through

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said aperture of said first panel member in such manner that said first panel member is compressed". (emphasis added)

However, at page 5 of the Office Action the Examiner also states:

"The claims reciting language that positively sets forth "compression" do not appear to have been rejected over the prior art of record".

In view of the foregoing, Applicant requests that the Examiner reconsider his rejection of claim 111 (which has now been amended to provide further clarity) based on the combination of Cretti and Long in view of the following:

Applicant notes that claim 111 as now amended recites in part "...*said material of said first panel member being in a compressed state caused at least in part by interaction of said spacer and said first connector...*". Thus compression is now clearly recited in a positive manner in claim 111.

Furthermore, Applicant requests that the Examiner reconsider his assessment of the Cretti reference. Applicant notes that in the embodiment of Figure 1, if screw head 10 is turned such that insert 2 or 3 is tightened on tie rod 4, the interior surface of the panel 5 would have to be pushed into abutment with some type of member or body so that the panel can be compressed between something and insert 2/3. However, there is nothing disclosed in Figure 1 of Cretti which in combination with insert 2/3, the panel can be compressed between.

Additionally, the Detailed Description of Cretti (col. 7, lines 20-25) states that in order to provide the stability on inserts 2, 3 in relation to the slabs 5,6, the inserts have threading by means of which they are screwed into the body of the slabs and while screwing, there is no compression of the body of the slab:

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“In order to fasten stably the inserts 2, 3 to the slabs 5, 6 of foamed plastic in which they are flush-insertable, the inserts are advantageously provided with threads 14, 15 integral with their bodies 8, 9 and which aid at the same time their insertion by screwing into the foamed plastic slab”.

While Applicant acknowledges the presence of a rod 19, this is a concrete reinforcing rod.

Cretti states in col.7, lines 42-55:

“In accordance with the present invention, the lost formwork 7 also comprises a plurality of horizontal and vertical metal reinforcing rods 19, 20, fixed in a known manner to the metal tie rod 4 of the nog structure 1 and designed to reinforce a concrete casting poured in a hollow space 21 defined between the two foamed plastic slabs 5, 6.

In an alternative embodiment illustrated in FIG. 14, the nog structure 1 is equipped with means which facilitate installation and positioning of the horizontal metal rods 19 before the concrete cast.

Preferably, the above means comprise one or more eyes 43, integral with and spaced apart along the metal tierod 4, in which the horizontal metal rods 19 are inserted and subsequently fixed, e.g. welded”.

A person skilled in the art knows that the reinforcement rod to be placed in the cavity of the formwork prior to the pouring of the concrete should be installed at a predetermined distance separated from the concrete surface (formwork interior surface).

As reinforcement rod 19 is for reinforcement of the concrete, it would not be placed into abutment with the interior surface of the panel because reinforcement rods are always buried entirely within the concrete and are not exposed at the edge of the

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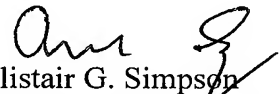
concrete. Therefore, rod 19 would not be used in concert with a connector, to push against an interior surface of a panel to create compression of the panel. In fact, Cretti teaches away from using rod 19 as a body against which the panel would be compressed.

This is in contrast to Applicant's invention as defined by claim 111. In the embodiment of Figure 8 of Applicant's specification, the cavity in the panel member 117 allows connector 134, that is screwed onto the end 144a of the rod 144 to draw rod 146a towards the flat portion of the connector 134 and thus causes the compression of the board 117 (see also paragraphs [0071] to [0074] of the Applicant's specification as originally filed.)

In summary, it is respectfully submitted that Cretti does not disclose or suggest a panel member that is in a compressed state caused at least in part by the interaction of a spacer and a connector as required by claim 111 as amended, and that claim 111 as amended, and all claims dependent thereon, are allowable.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance of this application is requested.

Respectfully submitted,



Alistair G. Simpson
Registration No. 57,040

SMART & BIGGAR
438 University Avenue
Suite 1500, Box 111
Toronto, Ontario
Canada M5G 2K8
Telephone: (416) 593-5514
Facsimile: (416) 591-1690

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